

**AMENDMENTS TO THE CLAIMS**

Please re-write claims 33 and 42-46 as follows:

1. - 32. (canceled)

33. (currently amended) An isolated DNA molecule that encodes a NIM 1 protein ~~involved in the signal transduction cascade leading to systemic acquired resistance in plants~~ comprising an amino acid sequence that has at least 99% identity to SEQ ID NO: 3, wherein the protein is inducible in a plant by application of 2,6-dichloroisonicotinic acid and wherein said induction leads to systemic acquired resistance in said plant complement of said DNA molecule hybridizes under the following conditions to the coding sequence set forth in SEQ ID NO:2: hybridization in 1% BSA; 520mM NaPO<sub>4</sub>; pH7.2; 7% lauryl sulfate, sodium salt; 1mM EDTA; 250 mM sodium chloride at 55°C for 18-24h, and wash in 6XSSC for 15 min. (X3) 3XSSC for 15 min. (X1) at 55°C.

34. (original) The isolated DNA molecule of claim 33, wherein said DNA molecule is isolated from a dicotyledonous plant.

35. (original) The isolated DNA molecule of claim 34, wherein said dicotyledonous plant is an *Arabidopsis* species.

36. (original) The isolated DNA molecule of claim 33, wherein said DNA molecule is isolated from a monocotyledonous plant.

37. (canceled)

38. (canceled)

39. (original) A chimeric gene comprising a promoter active in plants operatively linked to the DNA molecule of claim 33.

40. (original) A recombinant vector comprising the chimeric gene of claim 39.

41. (canceled)

42. (currently amended) ~~The recombinant host of claim 41, which is a A~~  
~~transgenic plant transformed with the chimeric gene of claim 39.~~

43. (currently amended) The transgenic plant of claim 42, which is selected from the ~~following:group consisting of~~ rice, wheat, barley, rye, corn, potato, carrot, sweet potato, sugar beet, bean, pea, chicory, lettuce, cabbage, cauliflower, broccoli, turnip, radish, spinach, asparagus, onion, garlic, eggplant, pepper, celery, carrot, squash, pumpkin, zucchini, cucumber, apple, pear, quince, melon, plum, cherry, peach, nectarine, apricot, strawberry, grape, raspberry, blackberry, pineapple, avocado, papaya, mango, banana, soybean, tobacco, tomato, sorghum and sugarcane.

44. (currently amended) Transgenic seed from the transgenic plant of claim 43  
comprising the chimeric gene.

45. (currently amended) A method of increasing SAR gene expression in a transgenic plant, comprising:

(a) transforming a plant with the chimeric gene of claim 39; and  
(b) expressing the chimeric gene of step (a) in the transgenic plant, whereby SAR gene expression is increased.

46. (currently amended) A method of enhancing disease resistance in a transgenic plant, comprising:

(a) transforming a plant with the chimeric gene of claim 39; and  
(b) expressing the chimeric gene of step (a) in the transgenic plant, whereby disease resistance is enhanced.